



7:30 p.m.

REGULAR MEETING

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
Council Member Pilch led the Pledge of Allegiance.
- 2. ROLL CALL**
Present: Council Members Barnes, Maass, and Pilch, Vice Mayor Nason, Mayor McQuaid
Absent: None
- 3. CEREMONIAL MATTERS**
- 4. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
- 5. CONSENT CALENDAR**
 - 5-1.** Minutes, September 25, 2018
Staff recommendation: Approve
 - 5-2.** Minutes, October 1, 2018
Staff recommendation: Approve
 - 5-3.** Ratification of Payroll - Payroll Period: 9/28/18; Net Payroll: \$301,094.18; Taxes, Benefits, Withholdings: \$303,374.00; Total: \$604,468.18
Staff recommendation: Ratify
 - 5-4.** Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of \$230,962.00 (9/28/18-Check run & Wire Transfer), \$173,741.36 (10/5/18)
Staff recommendation: Ratify
 - 5-5.** Affirmation of funding for Berkeley Food & Housing Project and Albany Housing Subsidy Program for services to people experiencing homelessness in FY 2018-2019
Staff recommendation: that the Council adopt Resolution No. 2018-124 affirming the funding for Berkeley Food and Housing Project and Albany Housing Subsidy Program for the provision of services to people experiencing homelessness in Fiscal Year 2018-2019 in an amount not to exceed \$151,558
 - 5-6.** Resolution No. 2018-122, Authorizing an Agreement with Ralph Andersen & Associates to Conduct a Citywide Classification and Compensation Study



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Staff recommendation: that the Council Adopt Resolution No. 2018-122 – a resolution of the Albany City Council authorizing the City Manager to execute a professional consulting services contract with Ralph Andersen & Associates to conduct a comprehensive citywide classification and compensation study in an amount not-to-exceed \$66,500

- 5-7.** Memorandum of Understanding between the City of Albany and Service Employees International Union, Local 1021

Staff recommendation: that the Council adopt Resolution No. 2018-126 – a resolution of the Albany City Council approving the MOU between the City of Albany and SEIU

- 5-8.** Updated Salary Schedule for Service Employees International Union, Local 1021 Employees

Staff recommendation: that the Council Adopt Resolution No. 2018-123 – a resolution of the Albany City Council approving the updated salary ranges for the SEIU bargaining unit

- 5-9.** Updated Salary Schedule for the City Treasurer

Staff recommendation: that the Council adopt Resolution No. 2018-119 – a resolution of the Albany City Council approving the updated salary range that includes a longevity pay step for the City Treasurer

Mayor McQuaid asked if anyone wishes to remove an item from the consent calendar. Council Member Pilch removed Item 5-4, and Mayor McQuaid removed Item 5-5.

Item 5-4: Council Member Pilch reported he had requested the City Manager provide the Council with credit card statements along with the other financial information.

Item 5-5: Assistant City Manager Isabelle Leduc reported on the Berkeley Food and Housing Project scope of work and staffing revisions for Albany Project HOPE. Albany residents who are homeless now have access to services provided by the City and the North County hub, a program of the Coordinated Entry System (CES), the County's comprehensive strategy to address homelessness. The North County hub outreach team expands outreach services in Albany. A Housing Navigator is available during drop in hours of the Human Services Linkages Program on Wednesdays and Fridays at the Senior Center. Albany has a new Housing Navigator which will continue to provide outreach, engagement and housing navigation. Albany Project HOPE serves people who are experiencing homelessness and the Human Services Linkages program serves anyone in Albany who is looking for human services referrals and assistance. The Neighborhood Services Manager and Housing Navigator collaborate with the Fire and Police Departments.

The following persons spoke: Leah Burrell and Allan Maris.

A summary of the comments is as follows: concerns about program staffing and the amount of funding for the few services actually provided (Item 5-5); staff should track the improvement in services to ensure it continues, and the amount of funding for housing subsidies is inadequate (Item 5-5).



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A summary of Council comments is as follows: an accurate point-in-time count of the homeless population is needed to accurately allocate funding.

MOTION:

Moved by Council Member Barnes, seconded by Council Member Maass, to approve the Consent Calendar.

AYES: Council Members Barnes, Maass, and Pilch, Vice Mayor Nason, Mayor McQuaid

NOES: None

The motion carries and is so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor McQuaid opened the Good of the City.

The following persons spoke: Leah Burrell and Brian Parsley.

A summary of the comments is as follows: the process for hiring a coordinator for the Human Services Linkages Program has not involved volunteers; hopes that street treatments for Peralta Avenue will occur soon.

7. COUNCIL MEMBER REPORTS ON STATE/REGIONAL LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS/CITY MANAGER REPORT/COMMENTS

Council Member Maass reported he attended a meeting of the Programs and Projects Committee for the Alameda County Transportation Commission (ACTC). The main items of discussion were authorization of \$7 million for a parking garage and allocation of funds to design the Irvington BART station in Fremont. Council Member Maass also attended a meeting of the Recycling Board, where he learned about the requirements imposed by SB 1383, and Bike to School Day.

Mayor McQuaid reported she attended Coffee With a Cop, a United Against Hate Week planning session, an Alta Bates Task Force meeting, the Chamber Mixer, the Mayor's Conference, a meeting on homelessness, the Fire Department's pancake breakfast, and Walk and Roll Day at Ocean View Elementary School.

City Manager Nicole Almaguer commended the Fire Department for hosting the pancake breakfast and open house. Albany residents can sign up to receive Alameda County alerts on the City website. A new art gallery, the Art of Making Mochi, has opened at the Community Center. Public Works Director Mark Hurley participated in the Blue Glove Crew. The City has a new pressure washer and a graffiti contractor to remove graffiti and other debris. Phase II of the sidewalk repair program began the day of the meeting. Information regarding locations and expected dates of repairs can be found on the City's website. East Bay Municipal Utility District (EBMUD) is working on some streets in Albany. Hopefully the streets will be repaved during October. The water bottle filling stations are being installed in parks, and staff expects them to be complete by the end of February. Rent Review workshops for tenants and landlords are planned for November, December, and January. The vote-by-mail box is accessible outside City Hall.

Mayor McQuaid noted the Red Cross' disaster shelter class is scheduled for Saturday at the Albany Senior Center.



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8. PRESENTATION

8-1. Update on East Bay Community Energy – Community Choice Aggregation Program

Staff recommendation: for information only

Sustainability and Resilience Manager Claire Griffing presented the staff report. The City Council approved a Joint Powers Authority (JPA) agreement to join the East Bay Community Energy (EBCE) program in November 2016. EBCE procures electricity and provides local renewable resources while PG&E administers natural gas service and energy transmission, distribution, repair, and billing for EBCE customers. EBCE launched a program for commercial and institutional accounts in June 2018. A program for residential customers will launch in November with four electricity options: EBCE Renewable 100, EBCE Brilliant 100 (the default product for Albany residential customers), EBCE Bright Choice, and PG&E. EBCE has been promoting the residential program over the past few months, and the City has started an outreach campaign. A postcard will be sent to all residential accounts in Albany to explain the program and the four options and to encourage residents to choose the Renewable 100 program. Outreach includes an information page on the City website, social media messages, and a special edition sustainability e-news.

Deidre Sanders, East Bay Community Energy, reported Albany enrollment aligns with the rest of the county. To date, 15 Albany customers have chosen the Renewable 100 program. The Power Charge Indifference Adjustment (PCIA), more commonly known as the PG&E exit fee, will create challenges for EBCE. EBCE is assessing the potential impacts of the PCIA to customers and will discuss strategies to reduce and limit impacts. Most EBCE decisions regarding procurement, program design, and timing will be made in the future. EBCE's commitment to provide greener energy at a lower cost to customers remains unchanged. Some details of the PCIA decision are unknown at the current time. The 1.68-percent amount will apply to the total bill amount while the 1.5-percent discount applies to generation only. EBCE is developing frequently asked questions (FAQs) and messaging around the PCIA and is optimistic that its rates will compare favorably with PG&E rates. The PCIA is intended to compensate PG&E for power it has purchased for the customers who are now leaving PG&E.

Dan Lieberman, East Bay Community Energy, clarified that EBCE's implementation plan allows EBCE to charge an administrative fee of \$5 for a residential account and \$25 for a commercial account to customers who opt out of EBCE programs; however, EBCE has waived the fee through at least June 2019. PG&E has two different rates to which customers return if they have been served by EBCE for more than 60 days. Customer options are to remain with EBCE for six months or to return to a market-based rate for six months. Historically, the market-based rate has been less than PG&E's rates. EBCE will maintain the initial rates by re-allocating funds from reserves and programs to cover rate increases.

JP Ross, East Bay Community Energy, advised that the Local Development Business Plan (LDBP) was developed over a year with stakeholder input. It focuses on delivering local development of renewables, clean jobs, and reliability into EBCE's territory. EBCE wants to deliver lower costs and more renewable energy to its customers. The goals and vision of EBCE have not changed even with the PCIA. EBCE's initial projects fall into three categories: local



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renewable energy development, electrification, and community solar. EBCE needs to work through balancing priorities and is meeting with stakeholders to identify priorities.

A summary of Council comments is as follows: reducing greenhouse gas emissions is probably the number one priority for Albany citizens; many factors play into EBCE's rates; a concern about transparency and accuracy in discussing EBCE rates; a request for EBCE to maintain communications with the City.

8-2 Quarterly Financial Update

Staff recommendation: Report is for informational purposes only

Finance Director Heather Rowden presented the staff report. In the future, some City departments will be broken out in the report in an effort to provide more detailed information. Expenses are listed in the same order for each department. The first quarter represents 25 percent of the fiscal year, and actual expenses should be close to 25 percent of the budgeted amount. Certain funds are front loaded, that is, all or a large part of monies are paid or collected at the beginning of the year. Any anomalies will be noted. Currently, City finances are on track.

City Manager Almaguer indicated transfers between special funds and the General Fund will be likely during the fiscal year because the amount of special fund revenues is often not fully known.

A summary of Council comments is as follows: appreciation for the report format; a request for budgeted amounts to be broken into monthly amounts.

9. PUBLIC HEARING

9-1. Ordinance amending Chapter XIII of the Municipal Code to revise two definitions in Section 13-4 and to replace the protest procedures in Section 13-18

Staff recommendation: that the Council introduce Ordinance 2018-09 (First Reading)

City Attorney Craig Labadie presented the staff report. Section 13-18 regarding protest procedures was completely rewritten to streamline the existing procedures. Under State law and the City Charter, public works projects have to be awarded to the lowest responsible bidder after a competitive selection process. The term responsible refers to the capability of the contractor to perform the work. Under State law, a bidder who is rejected as non-responsible is entitled to challenge the determination through a due process hearing. If a bid is rejected as non-responsive, the bidder is not entitled to a due process hearing. The existing process allows a bid protest in both situations. The existing process also allows a bid protest for individuals selected through a Request for Proposal (RFP)-type process, but a bid protest process is not required by law. The existing requirement for a bidder to submit a notice of intent to file a protest could cause a significant delay in a final determination. The existing ordinance requires a bidder to file a bid protest bond, which is not typical and is difficult to collect. The proposed ordinance clarifies the definition of public project so that the Albany Municipal Code is consistent with the Charter and State law. The proposed ordinance deletes the protest process for a bidder rejected as non-responsive. The proposed ordinance establishes a three-day deadline after the opening of bids for bidders to file a protest based on a claim that one of the competitor's bids is defective or the



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City failed to follow its selection process. The proposed ordinance replaces the bid protest bond with a fee to cover the cost of processing the bid protest. The City Manager would appoint a Hearing Officer to conduct a hearing for a protest based on the bidder being determined non-responsible. The Hearing Officer will make a recommendation to the City Council following the hearing. Subpart h on page 4 of the proposed ordinance should read "these procedures will not apply to a protest.

MOTION:

Moved by Vice Mayor Nason, seconded by Council Member Barnes, to introduce Ordinance 2018-09 for First Reading.

AYES: Council Members Barnes, Maass, and Pilch, Vice Mayor Nason, Mayor McQuaid

NOES: None

The motion carries and is so ordered.

10. UNFINISHED BUSINESS

10-1. Opposition to Proposition 6 on the November 2018 Ballot

Traffic & Safety Commission recommendation: that the Council adopt a resolution opposing Proposition 6 on the November 2018 ballot.

Staff recommendation: that the Council adopt Resolution No. 2018-125 opposing Proposition 6 on the November 2018 ballot

Capital Improvement Project Manager Robert Gonzales presented the staff report. The Road Repair and Accountability Act, also known as SB 1, is intended to enable cities and counties to address maintenance issues on local streets and road systems. Proposition 6 proposes to repeal the income provisions of the gas tax and to prohibit the Legislature from imposing any future tax. Proposition 6's effective date would be January 1, 2017. The City would not be required to return any funds received through SB 1. Cities in Alameda County have received more than \$60 million from SB 1, and the County of Alameda has received more than \$42 million. In 2017, the City of Albany received \$106,000 in SB 1 funding. Staff projects annual revenue of \$300,000 from SB 1 funding. SB 1 funds have funded the Evelyn Avenue project and will fund the Washington Avenue rehabilitation project. SB 1 funding comprises 32 percent of long-term street rehabilitation funding and is included in Capital Improvement Plan funding for fiscal years 2018-2022.

A summary of Council comments is as follows: the rapid spending of SB 1 funding should support opposition to Proposition 6; opposing Proposition 6 is another step in the Council's support of SB 1.

MOTION:

Moved by Council Member Maass, seconded by Council Member Pilch, to adopt Resolution No. 2018-125 opposing Proposition 6 on the November 2018 ballot.

AYES: Council Members Barnes, Maass, and Pilch, Vice Mayor Nason, Mayor McQuaid

NOES: None

The motion carries and is so ordered.

11. NEW BUSINESS



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- 11-1.** Review of FCC Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment Declaratory Ruling and Third Report and Order WT Docket No. 17-79, WORKERS' COMP Docket No. 17-84

Staff recommendation: that the Council receive the background information on "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment Declaratory Ruling and Third Report and Order WT Docket No. 17-79, WC Docket No. 17-84" and provide direction to return with a draft ordinance establishing provisions for small cell application processing

Planning Manager Anne Hersch presented the staff report. Staff seeks direction from the Council to prepare a draft ordinance that would establish permitting provisions for processing small cell applications. On September 26, 2018, the Federal Communications Commission (FCC) adopted "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," which becomes effective three months from the date of adoption. This deployment pertains specifically to small cell facilities for wireless carriers. In Albany, the law pertains to 5G antennas that would be predominantly implemented within the public right-of-way, either on PG&E utility poles or on City-owned street lights. The law limits the City's application fee to \$100 per small cell facility and limits fees for leasing City light standards. The law establishes a 60-day shot clock for co-location on a preexisting structure and a 90-day shot clock for new builds. Small wireless facilities are specified as facilities mounted on structures 50 feet or less in height including their antennas; mounted on structures no more than 10 percent taller than other adjacent structures; or not extending existing structures on which they are located to a height exceeding 50 feet or by more than 10 percent, whichever is greater. Staff proposes to amend Chapter 14 of the Municipal Code to include provisions that specifically address small cell facility installation in the public right-of-way. The review process is ministerial, and staff would approve applications after determining that the application is complete and meets specific criteria. Staff will develop procedures for applicants to provide public notification to nearby residents. The Council can direct staff to establish an administrative appeal process; however, the appeal process must be completed within the 60-day shot clock. A model ordinance prepared by the League of Cities can provide a framework for the City's ordinance.

The following persons spoke: Ed Fields, Signe Madsen, Gerhard Brostrom, and Caroline Chen. A summary of the comments is as follows: the effects of wireless facilities on humans and nature are unknown; Transition Albany wants to present a program regarding the dangers of various types of radiation; opposition to 5G service because of health concerns.

A summary of Council comments is as follows: the 5G networks can carry more information but more facilities are needed for coverage; the health effects are unknown; 3G and 4G facilities will likely be maintained for some time; the Council has opposed other wireless laws and should join appropriate legal challenges to this law and coalitions opposing this law; 5G service has the promise of promoting disruptive technology; design standards for wireless facilities would be good.

12. OTHER BUSINESS, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS

- 12-1.** Upcoming City Events



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National Coffee with a Cop Day, October 3, 3 PM, Royal Ground Coffee, 1127 Solano
Screenagers, October 16, 7 PM – 9:30 PM, Albany Community Center
Disaster Preparedness Class, October 20, 8 AM – 12 noon, Albany Senior Center
Halloween Carnival, October 26, 6:30 PM – 8:30 PM, Albany Community Center
General Election Day, Tuesday, November 6, 2018, 7 AM – 8 PM, Polling Places

12-2. Upcoming City Meetings

Sustainability Committee, Wednesday, October 17, 7:30 PM, City Hall Council
Chambers

Planning & Zoning Commission, Wednesday, October 24, 7 PM, City Hall Council
Chambers

Traffic & Safety Commission, Thursday, October 25, 7 PM, City Hall Council Chambers

Economic Development Committee, Thursday, November 1, 5 PM, City Hall Council
Chambers

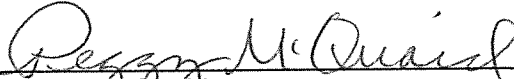
Rent Review Ordinance Community Workshop, Thursday, November 1, 7 PM, Albany
Senior Center

City Council Meeting, Monday, November 5, 7:30 PM, City Hall Council Chambers

13. ADJOURNMENT

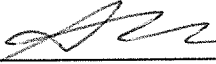
9:57 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Jacob Brill and Michael Goldman.

Minutes submitted by Anne Hsu, City Clerk.



Peggy McQuaid
Mayor

Attest:



Anne Hsu, City Clerk